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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,636	11/30/1999	Doron Cohen	6727/OG393	3396

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DARBY & DARBY
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New York, NY 10022

EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,636

Applicant(s)

COHEN ET AL.

Examiner

Moustafa M Meky

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 19-40, 42-60 and 62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 19-40, 42-60 and 62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The response filed 3/13/2003 has been entered and considered by the examiner.
2. Claims 1-12, 19-40, 42-60, and 62 are presenting for examination (the examiner should have considered claim 60 to be among group I in the restriction requirement and he corrects his position to include claim 60 to be examined in this action).
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-8, 10-12, 19-40, 42-60, and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Burrige (US Pat. No. 6,430,567).
5. As to claims 1-4, Burrige shows in Figs 2-3, a method for monitoring activity on a computer network. The method of Burrige comprising the steps of:

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* providing a map of a group of resources (web pages), which are accessible via the network, see col 7, lines 27-28, col 8, lines 35-37, col 9, lines 14-18, lines 34-43, col 10, lines 1-6, lines 39-42;

* tracking access of the resources (web pages) by computer users (200), so as to identify one or more users (200) with respective resources (web pages) that they are accessing, see the abstract, lines 3-4, lines 7-12, col 3, lines 9-20, col 6, lines 2-3, col 7, lines 11-13, col 10, lines 43-45; and

* registering with the map an identification of the users and the respective resources that they are accessing, see col 7, lines 27-28, col 8, lines 35-37, col 9, lines 14-18, lines 34-43, col 10, lines 1-6, lines 39-42.

6. As to claims 5-6, BurrIDGE teaches tracking the access comprises receiving notification when one of the users enters or leaves one of the pages, see col 7, lines 5-13, col 10, lines 15-16.

7. As to claims 7-8, BurrIDGE teaches providing the lists of users accessing resources, see the abstract, lines 10-12, col 8, lines 33-37, col 9, lines 14-16, lines 37-39.

8. As to claim 10, BurrIDGE teaches selecting one user and marking his accessing resources (pages), see col 10, lines 15-21 (the first and the second users accesses two pages).

9. As to claims 11-12, BurrIDGE teaches a synchronous communication (opening a chat session) with one or more of the users accessing a given resources (web page), see the abstract, lines 10-15, col 3, lines 20-28, col 5, lines 66-67, col 6, lines 1-6, col 7, lines 14-32, col 9, lines 19-26.

10. As to claims 19-40, 42-60, and 62, the claims are similar in scope to claims 1-8 & 10-12, and they are rejected under the same rationale.

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Therefore, it can be seen from paragraphs 5-10 that Burrige anticipates claims 1-8, 10-12, 19-40, 42-60, and 62. In addition, Burrige teaches accessing a first resource (first web page) by a first user, receiving information regarding a second user accessing a second resource (second web page), and communicating between the two users while the second user is accessing the second web page, see col 10, lines 13-21.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burrige.

13. As to claim 9, Burrige shows in Figs 2-3, a method for monitoring activity on a computer network as been discussed above. Burrige does not use fill level container to show the relative number of the users accessing the respective resource (web page). It was well known in the art the use of different indications to show the number of users accessing a resource such as the use of fill level container (official notice has been taken). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Burrige to include the fill level container to show the number of users accessing the resource in order to get the intention of the user (the use would have higher intention while watching the fill level container rises and lowers based upon the numbers of the users accessing the same web page).

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Therefore, it can be seen from paragraph 13 that the modified system of Burrige teaches the limitations of claim 9.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. .

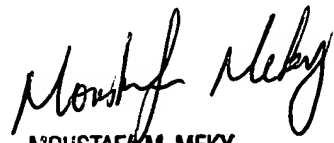
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is (703) 305-9697. The examiner can normally be reached on week days from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

M.M.M

May 17, 2003


MOUSTAFAM. MEKY
PRIMARY EXAMINER